

a2 transmit power has a transmit power level determined on basis of a topology map of the network indicating the quality of connectivity of all network devices within the network.

Only B1  
10. (Cancelled)

a3 11. (Amended) Method according to claim 6, ~~characterized in that~~ wherein a recommendation for a network device how to adjust its transmit power is always given from a peer network device in case the received power level exceeds a maximum deviation.

12. (Cancelled)

### REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

At page 2 of the outstanding Office Action, the Examiner has rejected claim 12 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants have cancelled claim 12, and therefore request that the rejection of claim 12 under 35 U.S.C. §112 be withdrawn as moot.

Also at page 2 of the outstanding Office Action, the Examiner has rejected claims 1-4, 6-8, 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over Schroderus (U.S. Patent No. 5,822,682) in view of Saints (WO 98/23044). Applicants have cancelled claims 10 and 12, and therefore request that the rejection of these claims be withdrawn as moot. Applicants respectfully traverse the rejection as applied to the remainder of the claims.

Applicants have amended independent claim 1 to include a limitation previously set forth in claim 5, specifically “wherein said network device is adapted to be used in IEEE 1394 based HIPERLAN type 2 wireless network.” Applicants note that in the rejection of claim 5 later in the Office Action, the Examiner also applied the Ditzik (U.S. Patent No. 5,983,073) reference, stating that Ditzik teaches a network device that is used as an IEEE 1394 based network. However, Applicants submit that while Ditzik does indicate that a wireless device may include a 1394 network connection, it does not disclose that this 1394 type network is in fact the wireless network. Indeed, Ditzik specifically discloses that a wireless network is utilized, and that in addition the devices coupled via the wireless network could also be connected via a 1394 wired network (see Ditzik, column 6, lines 22-33). Therefore, Applicants submit that the combination of Schroderus in view of Saints, even if Ditzik is added thereto, fails to teach the limitations of amended independent claim 1.

Furthermore, Applicants have amended independent claim 6 to include limitations previously set forth in independent claim 10, specifically “wherein the signal carrying the recommendation for the first network device how to adjust its transmit power has a transmit power level determined on basis of an information indicating the wanted received power level and the transmit power level of the first network device which is transmitted with the first transmitted message from the first network device to the second network device and the received power level of said message at the second network device.” Applicants submit, that the limitation that the recommendation for power level is transmitted with the first transmitted message from a first network device to a second network device is not disclosed in the combination of references relied upon by the Examiner.

Applicants therefore respectfully request that the rejection of claims 1-4 and 6-8 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 5 of the outstanding Office Action, the Examiner has further rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Schroderus in view of Saints and Lynch (U.S. Patent No. 6,055,429). Applicants respectfully traverse the rejection.

The addition of Lynch fails to cure the defects noted above with respect to independent claim 6. Claim 9 depends from independent claim 6, and therefore Applicants submit that claim 6 is allowable based upon this dependency alone, and further as presenting an independently patentable combination in and of its own right. Applicants therefore respectfully request that the rejection of claim 9 under 35 U.S.C. §103(a) be withdrawn.

At page 6 of the outstanding Office Action, the Examiner has rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Schroderus in view of Saints and Fifield (U.S. Patent No. 6,178,512). Claim 11 depends from independent claim 6, and is therefore allowable based upon this dependency alone. Additionally, because the addition of Fifield fails to cure the defects noted above with respect to the combination of Schroderus in view of Saints regarding claim 6 above, Applicants submit that claim 11 presents an independently patentable combination in and of its own right. Applicants therefore respectfully request that the rejection of claim 11 under 35 U.S.C. §103(a) be withdrawn.

### **CONCLUSION**

Applicants have made a diligent effort to place claims 1-4, 6-9 and 11 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable

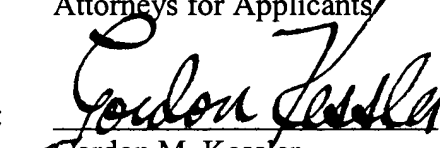
to issue a Notice of Allowance regarding these claims, the Examiner is requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:

  
Gordon M. Kessler  
Reg. No. 38,511  
(212) 588-0800